



Office of the City Manager
City of Frisco, Texas

Memorandum

To: Mayor and City Council

From: Ron K. Patterson, Assistant City Manager

CC: George Purefoy, City Manager

Date: October 27, 2008

Re: Development Agreement for Northwest Corner of DNT and Stonebrook Parkway – Univest Property

Action Requested:

Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement by and between the City of Frisco and Texas Univest – Frisco, Ltd. for predevelopment grading of the subject property.

Background Information:

The developer is the owner of a tract of land that contains approximately 9.9805 acres which is located at the northwest corner of the Dallas North Tollway and Stonebrook Parkway. The developer desires to submit for and receive a grading permit for the Property prior to submitting to Frisco development plans. We would typically require a preliminary site plan, final site plan, final plat, civil drawings, landscape plan and façade plan prior to issuing a grading permit because the property would be going into the development phase. However, in this case the developer is making the request in order to allow them to fulfill their obligations and exercise their rights under a United States Corp of Engineers Nationwide Permit ("USCE Permit") which allows them, in accordance with all of the USCE applicable rules and regulations, to make improvements to the Property to mitigate certain creeks and drainage ways. The USCE Permit has a definitive date by which these improvements must be made (March 9, 2009), otherwise, the developer loses the permit as well as the fees associated with such permit.

The staff has, after examining this matter closely, determined that the proposed improvements are not detrimental to the Property and that under the provisions outlined

in the proposed Agreement the City could see some benefit to this project. As such the staff has requested, as consideration for the City allowing the issuance of a grading permit out of the typical development sequence, that the developer provide the following:

- a. Undergrounding of Electrical Utilities – At the time of development of the Property Developer shall underground the electric utilities.; and
- b. Rights-of-Way Dedication - Developer will dedicate at no cost to the City the following rights-of-way in a form solely approved by Frisco upon thirty (30) days written request from Frisco:
 - i. Provide an additional ten feet (10') of right-of-way along Property's southern frontage on Stonebrook Parkway ("Stonebrook ROW") for construction of a travel lane.; and
 - ii. Provide an additional ten feet (10') of right-of-way along Property's eastern frontage on Dallas Parkway ("Dallas ROW") for construction of a right turn lane from Dallas Parkway southbound onto Stonebrook Parkway westbound.; and
 - iii. Provide a corner clip at the intersection of Dallas Parkway and Stonebrook Parkway.
- c. Tree Mitigation – In accordance with Frisco's Zoning Ordinance the total mitigation fee to be paid to Frisco \$78,837.50.
- d. Modification of Allowed Uses within PD112 – Developer consents to and shall provide full support of a city-initiated rezoning of the Property that prohibits the following uses:
 - i. Apparel Distribution Centers
 - ii. Auto Laundries/Car Wash Facilities
 - iii. Automobile Parking Lots and Parking Garages
 - iv. Automobile Sales, Service and Leasing – New and Used
 - v. Billboard and Advertising Signs
 - vi. Commercial Amusement Enterprises (outdoor)
 - vii. Distribution Centers and Showrooms
 - viii. Food Product Distribution Centers
 - ix. Newspaper Printing Centers
 - x. Office Showroom Facilities
 - xi. Radio and Television Studios and Broadcasting Facilities
 - xii. Service Stations (full service)
 - xiii. Small Machinery Sales and Service
 - xiv. Small Truck Sales and Leasing
 - xv. Storage Facilities (incidental to the primary, permitted uses)
- e. Grading Permit Necessary. Developer shall obtain a Grading Permit from the City before performing any work on the Property.
- f. Compliance with plans. Developer shall grade the entire Property with such grading completed in accordance with the grading plans, storm water pollution prevention plan, and post grading erosion plan approved by the City for the Property.
- g. Implementation of Post Grading Erosion Control Plan. Developer shall implement and maintain the post grading erosion plan so long as any portion of the Property remains undeveloped.

The City's obligations under this agreement are that it will issue a grading permit no later than December 1, 2008 if the Developer submits all required documentation,

applications, and plans specified in the proposed Agreement, in the proper form no later than October 31, 2008 and the City determines that such documentation, applications, and plans comply with all Frisco, state and federal rules and regulations.

Alternatives:

The City Council could consider the following alternatives:

- Table the Resolution.
- Not pass the Resolution.
- Direct staff to make changes or modifications as directed.

Financial Considerations:

None.

Legal Review:

This document was reviewed by Clair Swain of the City Attorney's office.

Supporting Documents:

- Resolution
- Development Agreement

Staff Recommendation:

Staff recommends passage as submitted.